

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47213 of 2015

Arising out of PS.Case No. -292 Year- 2015 Thana -GAYA KOTWALI District- GAYA

Dhiraj Kumar Chandra, Son of Rajesh Chandra, Resident of Mohalla- Bazir Ali Road, Dhami Tola, P.S.- Kotwali, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Surendra Kishore Thakur, Advocate.

For the Opposite Party : Mr. Uday Chand Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-03-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Gaya Kotwali P.S. Case No. 292 of 2015 for the offences instituted under Sections 379, 419, 420, 414, 467, 468, 120(B), 485, 486, 413, 487, 488 of the IPC, 27(b)(ii), 27(d), 28 and 28(A) of the Drugs and Cosmetics Act.

The prosecution story, in brief, is that this petitioner having his trading licence in the field of medicine closed the business and made over his said licence to one Manish Kumar and allegedly continued the medicine business through him and in course thereof, when raid was made in the said shop, then large number of medicines allegedly of government supply as well as

physician's samples were recovered there from which were found to be stored in the shop after erasing the stamp of physician's sample and government supply and putting the stamp of M.R.P. and fixing the price thereof in order to not only to cheat the people at large, but also pharmaceutical companies as well as the government.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner has been made accused in the present case due to mistake of fact. As per prosecution case itself, it is evident that the shop in question is being run by Manish Kumar and the petitioner is only the licence holder. It is further submitted that the petitioner is ready to deposit an amount of Rs. 20,000/- in the court below which shall be subject to final disposal of the case.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs. 20,000/- in the court below which shall be subject to final disposal of the case and on doing so, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection

with Gaya Kotwali P.S. Case No.292/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gaya, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)